

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BYRON STREETER #274192,

Plaintiff,

Case No. 2:08-cv-178

v.

HON. R. ALLAN EDGAR

UNKNOWN BELUSAR, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge on August 3, 2009. The Report and Recommendation, which recommended denying Defendant Belusar's motion for summary judgment, was duly served on the parties. The Court received objections from Defendant Belusar, and a response to the objections from Plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

In his objections, Defendant Belusar reasserts the contentions made in his brief in support of the motion for summary judgment. In addition, Defendant Belusar relies on several cases for the proposition that a threat must be more than de minimis in order to constitute adverse conduct for purposes of a retaliation claim. The court agrees. However, as noted in the report and recommendation, Plaintiff's allegations that Defendant Belusar threatened to actually kill his mother or to harass her with death threats, if true, certainly meet the standard set forth in *Thaddeus-X v.*

Blatter, 175 F.3d 378, 394 (6th Cir.1999) (en banc). Accordingly, Defendant Belusar's objections lack merit.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court and Defendant Belusar's motion for summary judgment (docket #27) will be DENIED.

IT IS FURTHER ORDERED that Plaintiff's motion to vacate the order sealing documentation regarding Plaintiff's CMIS Basic Information Report (docket #51) and his motion to expedite consideration of that motion (docket #52) are DENIED.

Dated: 9/21/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE